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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,996	01/16/2002	Maria Azua Himmel	AUS920010460US1	6352
7590	07/06/2005		EXAMINER	
Jeffrey L. Streets Suite 355 13831 Northwest Freeway Houston, TX 77040			LE, LANA N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,996	Applicant(s) HIMMEL ET AL.	
	Examiner Lana N Le	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 17-20, 26-28, 31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 11, 13-15, 21-25, 30, 32, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 recites the limitation "the one or more features" in the method of claim

There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

3. Claim 12 depends on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-9, 17-20, 26-28, 31, 33-35, and 37 are rejected under 35 U.S.C.

103(a) as being unpatentable over Dutta et al (US 2002/0,137,489) in view of Takatori et al (US 2004/0,014,464).

Regarding claim 1, Dutta et al disclose a method for operating a mobile electronic device within an automobile having an on-board computer, comprising:

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determining by master device 430 affixed to a vehicle, if there are bluetooth protocol enabled wireless phones present in order to establish a piconet (para. 49);

communicating (via bluetooth) reconfiguration instructions (radio signal emergency event notification from the master device 430) to the mobile electronic device (slave device 470) (paras. 49-51; figs. 4 & 5); and

reconfiguring the mobile electronic device (470) as a slave device to the on-board computer in accordance with the reconfiguration instructions (the notification from the master triggers the telecommunication circuitry of the slave to transmit a wireless carrier system notification of the emergency event; paras. 50, 12).

However, Dutta et al do not specifically disclose:

receiving, at the on-board computer a wireless identification message from the mobile electronic device located within the automobile when the master.

Takatori et al discloses receiving, at the controlling device, a wireless identification message from the mobile electronic device (para. 67-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the identification message sent from the slave mobile device to Dutta et al in order to allow the mobile to authenticate itself with the car's computer system so that data from the automobile controller will detect and communicate data related only to the particular apparatus that sent the ID message (para. 42).

Regarding claim 2, Dutta et al and Takatori et al disclose the method of claim 1, wherein Dutta et al disclose the mobile electronic device is selected from a mobile telephone (wireless phones), a handheld personal computer, a personal organizer, a

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palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (para. 49).

Regarding claim 3, Dutta et al and Takatori et al disclose the method of claim 1, wherein Dutta et al disclose the mobile electronic device comprises a wireless transceiver (telecommunications circuitry 375; fig. 4) for transmitting and receiving wireless signals selected from radio frequency and infrared signals.

Regarding claim 5, Dutta et al and Takatori et al disclose the method of claim 1, wherein Takatori et al disclose the method comprising:
storing, within the on-board computer, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device, monitoring by the mobile electronic device for messages to the address for the mobile electronic device, monitoring by the on-board computer for messages from the address for the mobile electronic device (paras. 42, 75 & 80). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the address of the mobile device in order for the master to recognize the mobile slave device.

Regarding claim 6, Dutta et al and Takatori et al disclose the method of claim 1, wherein Dutta et al disclose the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display, joystick, memory, transmitter, receiver, antenna or combinations thereof (transceiver 375, speaker, microphone, antenna, keypad are inherent within wireless phone 120; fig. 4&5).

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Regarding claim 8, Dutta et al and Takatori et al disclose the method of claim 7, where Dutta et al disclose the method further comprising: obtaining data, using the on-board computer, about the status of conditions affecting the automobile (para. 9); and

determining, using the on-board computer, which of the one or more features within the on-board computer to make available to a motorist (para. 13).

Regarding claim 9, Dutta et al and Takatori et al disclose the method of claim 8, wherein Dutta et al disclose the conditions are measured conditions selected from weather outside the automobile, speed of the automobile, braking frequency, distance to other vehicles, engine RPM, engine coolant level and temperature, steering wheel movement, automobile's acceleration and braking, frequency of automobile's acceleration and braking, time of day, time period of driving without a rest stop or combinations thereof (para. 40).

Regarding claim 17, Dutta et al disclose a system for operating a mobile electronic device within an automobile having an onboard computer (figs. 4&5), comprising:

a mobile electronic device (120; para. 42), an on-board computer (430) mounted in an automobile 110, wherein the mobile electronic device communicates wirelessly with the on-board computer (Bluetooth RF notification signal; para. 41), and wherein the mobile electronic device reconfigures itself as a slave device to the on-board computer (the notification from the master triggers the telecommunication circuitry of the slave to transmit a wireless carrier system notification of the emergency event; paras. 50, 12).

However, Dutta et al don't further disclose:

an address for the mobile electronic device, an address for one or more features within the mobile electronic device. Takatori et al discloses an address for the mobile electronic device, an address for one or more features within the mobile electronic device (para. 42 & 80). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the address information in order to allow the mobile to identify itself with the car's computer system so that data from the automobile controller will detect and communicate data related only to the particular apparatus that sent the ID message as suggested by Takatori et al (para. 42).

Regarding claim 18, Dutta et al and Takatori et al disclose the system of claim 17, wherein Dutta et al disclose the mobile electronic device is selected from a mobile telephone (120), a handheld personal computer, a personal organizer, a palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (para. 42).

Regarding claim 19, Dutta et al and Takatori et al disclose the system of claim 17, wherein Dutta et al disclose the mobile electronic device comprises a wireless transceiver (telecom circuitry 375) for transmitting and receiving wireless signals selected from radio frequency and infrared signals (para. 50).

Regarding claim 20, Dutta et al and Takatori et al disclose the system of claim 17, wherein Dutta et al disclose the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display,

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joystick, memory, transmitter, receiver, antenna or combinations thereof (transceiver 375), speaker, microphone, antenna, keypad are inherent within wireless phone 120; figs. 4&5).

Regarding claim 26, Dutta et al disclose a computer program product (software 326) including instructions embodied on a computer readable medium (processor 322 and storage device 324) of onboard computer (master device 430 affixed to the car 110) (para. 41), the instructions comprising:

communicating reconfiguration instructions (radio signal emergency event notification from the master device 430) from the onboard computer (430) to the mobile electronic device (470) (paras. 49-51); and

reconfiguring instructions for reconfiguring the mobile electronic device as a slave device to the on-board computer (the notification from the master triggers the telecommunication circuitry of the slave to transmit a wireless carrier system notification of the emergency event; paras. 50, 12).

However, Dutta et al don't further disclose:

communicating instructions for communicating reconfiguration instructions and receiving instructions for receiving, at the on-board computer, a wireless identification message from the mobile electronic device located within the automobile

Takatori et al disclose communicating instructions (instruction for permitting the transmission/reception to be turned on/off by the control delegation signal from the control master device; paras. 67-69) for communicating reconfiguration instructions (para. 68-69); and receiving instructions for receiving, at the on-board computer, a

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wireless identification message from the mobile electronic device located within the automobile (para. 42; 67-68). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the instructions and data on identification sent from the slave device to Dutta et al in order to allow the mobile to authenticate itself with the car's computer system so that data from the automobile controller will detect and communicate data related only to the particular apparatus that sent the ID message (para. 42).

Regarding claim 27, Dutta et al and Takatori et al disclose the computer program product of claim 26, wherein Dutta et al discloses the program further comprising the mobile electronic device is selected from a mobile telephone (120), a handheld personal computer, a personal organizer, a palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (para. 42).

Regarding claim 28, Dutta et al and Takatori et al disclose the computer program product of claim 26, wherein Dutta et al discloses the program further comprising the mobile electronic device system comprises a wireless transceiver (375) and for transmitting and receiving wireless signals selected from radio frequency and infrared (Bluetooth infrared signals) (para. 43).

Regarding claim 31, Dutta et al and Takatori et al disclose the computer program product of claim 26, wherein the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display,

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joystick, memory, transmitter, receiver (transceiver 375) or combinations thereof (para. 50).

Regarding claim 33, Dutta et al and Takatori et al disclose the computer program product of claim 32, Dutta et al disclose the computer product further comprising:

obtaining instructions for obtaining data, using the on-board computer, about the status of conditions affecting the automobile (para. 9); and

determining instructions for determining, using the on-board computer, which of the one or more features within the on-board computer to make available to a motorist (para. 13).

Regarding claim 34, Dutta et al and Takatori et al disclose the computer program product of claim 33, wherein Dutta et al disclose the conditions are measured conditions selected from weather outside the automobile, speed of the automobile, braking frequency, distance to other vehicles, engine RPM, engine coolant level and temperature, steering wheel movement, automobile's acceleration, frequency of automobile's acceleration, time of day, time period of driving without a rest stop and combinations thereof (para. 40).

Regarding claim 35, Dutta et al and Takatori et al disclose the computer program product of claim 34, wherein Dutta et al and Takatori et al don't explicitly disclose the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue and combinations thereof. However, it is well known in the art that emergency event can be alternatively any other condition than just measuring the velocity of a car. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to detect and deduce conditions based on the particular emergency event.

Allowable Subject Matter

6. Claims 4, 7, 11, 13-15, 21-25, 30, 32, 36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, Dutta et al and Takatori et al disclose the method of claim 1, wherein Dutta et al and Takatori et al disclose fail to disclose wherein the step of receiving the wireless identification message comprises:
transmitting a discovery signal on a discovery frequency from the on-board car unit;
receiving the discovery signal at the mobile electronic device, and
interpreting the discovery signal to be an identification request from the on-board computer, wherein the message contains information describing the mobile electronic device, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device.

Regarding claim 7, Dutta et al and Takatori et al disclose the method of claim 6, Dutta et al, Takatori et al and the cited prior art do not disclose the method further

comprising utilizing one or more features within the onboard computer instead of the one or more disabled features within the mobile electronic device.

Regarding claim 11, Dutta et al and Takatori et al disclose the method of claim 9, wherein Dutta et al, Takatori et al and the cited prior art do not disclose the step of determining the features to make available to the motorist further comprises:

defining a normal value for each of the conditions and combinations of the conditions; storing the normal value in a database of the on-board computer;

storing instructions in the database of the on-board computer for removing availability of the features based upon a variance between the normal condition and an actual condition and combinations of actual conditions;

determining a variance between the normal conditions and the actual conditions; and removing availability of the features.

Regarding claim 21, Dutta et al and Takatori et al disclose the system of claim 20, wherein Dutta et al, Takatori et al and the cited prior art do not disclose the method further comprising utilizing one or more features within the onboard computer instead of the one or more disabled features within the mobile electronic device.

Regarding claim 22, Dutta et al and Takatori et al disclose the system of claim 17, wherein Dutta et al, Takatori et al and the cited prior art do not disclose the system further comprising:

a database in a memory of the on-board computer containing normal values for conditions and combinations of conditions affecting the automobile and a database of instructions for removing the availability of the features based upon a variance between

the normal values and an actual condition and combinations of actual conditions, wherein the variance is determined and wherein a motorist is denied access to the one or more features based upon the instructions.

Regarding claim 30, Dutta et al and Takatori et al disclose the computer program product of claim 26, wherein Dutta et al, Takatori et al, and the cited prior art do not disclose:

- storing instructions for storing, within the on-board computer, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device;

- monitoring instructions for monitoring at the mobile electronic device for messages to the address for the mobile electronic device; and

- monitoring instructions for monitoring at the on-board computer for messages from the assigned address for the mobile electronic device.

Regarding claim 32, Dutta et al and Takatori et al disclose the computer program product of claim 31, wherein Dutta et al and Takatori et al fail to disclose the one or more features within the onboard computer provide substitute functions of the one or more disabled features within the mobile electronic device.

Regarding claim 36, Dutta et al and Takatori et al disclose the computer program product of claim 33, wherein Dutta et al and Takatori et al do not disclose the determining instructions for determining of the features to make available to the motorist further comprises:

defining instructions for defining a normal value for each of the conditions and combinations of the conditions;

storing instructions for storing the normal value in a database of the on-board computer;

storing instructions for storing application instructions in a database of the on-board computer for removing the availability of the features based upon a variance between the normal conditions and an actual condition and combinations of actual conditions;

determining instructions for determining the variance between the normal conditions and the actual conditions; and removing instructions for removing the availability of the features based upon the application instructions.

7. Claims 38-44 are allowable over the cited prior art.

8. The following is an examiner's statement of reasons for allowance:

Regarding claim 38, Dutta et al disclose a method for controlling operation of a mobile telephone within an automobile having an on-board computer,

establishing a wireless communication link between the on-board computer and the mobile telephone (para. 49);

communicating reconfiguration instructions from the on-board computer to the mobile telephone, whereby the mobile telephone reconfigures itself to become a slave device to the onboard computer (paras. 48-51);

Dutta et al does not disclose the method comprises: transmitting a wireless discovery signal from a transmitter controlled by the on-board computer; and receiving a wireless identification message from the mobile telephone.

Takatori et al disclose the method comprising:

receiving a wireless identification message from the mobile telephone (master device receives slave ID transmitted from a slave device; para. 79).

Dutta et al and Takatori et al and the cited prior art fail to disclose the method further comprising:

transmitting a wireless discovery signal from a transmitter controlled by the onboard computer; and

communicating instructions from the on-board computer to the mobile telephone to disable one or more features within the mobile telephone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Lana Le".

Lana Le

June 27, 2005